

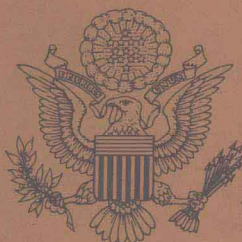
Nomination and Election of the President and Vice President of the United States

Including the Manner of Selecting
Delegates to
National Political Conventions

Compiled by Thomas M. Durbin, Rita Ann Reimer,
Thomas B. Ripy, Congressional Research Service,
Library of Congress
for the United States Senate Library
under the direction of Francis R. Valeo,
Secretary of the Senate

March 1976
Printed for the use of the
Office of the Secretary of the Senate

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FOREWORD

This document is an analysis of the constitutional clauses, Federal and State laws, and rules of the two major political parties governing the nomination and election of the President and Vice President of the United States. The compilation depicts the manner of selecting delegates to the national conventions, the dates the selections are to be made, the number of delegates to be selected, and lists the States holding presidential preference primaries, dates of such primaries, the filing deadlines for candidates, and, where applicable, for delegates.

The information contained herein is based on the Federal laws in effect as of January 1, 1976, and the available state legislative materials. There have been many changes in the election laws of the several States since the 1972 election, and where space has permitted, the full text of the new or revised statutes has been set forth. Abstracts of the laws relating to minor and new parties, independent candidates and corrupt practices are also included. Various State laws referred to in this document may be amended subsequent to publication; similarly, political party constitutions, rules and delegate selection plans may also be amended.

Reference should be made to the United States Supreme Court's decision of *Buckley v. Valeo*, ___ U.S. ___ (January 30, 1976), Docket No. 75-436, for those provisions of the Federal election campaign laws that have been held unconstitutional; e.g., expenditure limitations. At the time that this document went to press, the *Buckley* decision invalidated the Federal Election Commission's composition and limited its powers to investigation and information. This document is unable to deal with any legislation that may be enacted regarding Federal election campaign laws or the Federal Election Commission after March 1, 1976, due to publication deadlines.

Acknowledgement should be made of the generous assistance of the Secretaries of State and the election officials of the several States. The compilers are likewise indebted to the staffs of the Democratic and Republican

National Committees and to the state party committees for their excellent cooperation.

The analysis of election laws and party rules was prepared under the direction of the Senate Library by Thomas M. Durbin, Rita Ann Reimer, and Thomas B. Ripy, legislative attorneys of the American Law Division, Congressional Research Service, Library of Congress.

FRANCIS R. VALEO, *Secretary of the Senate.*

IMPORTANT DATES

July 12, 1976—Democratic National Convention convenes in New York City.

August 16, 1976—Republican National Convention convenes in Kansas City.

November 2, 1976—General Election in all States.

December 13, 1976—Date of meeting of electors (Electoral College).

January 6, 1977—Counting of electoral votes by joint session of Congress.

I. Presidential Preference Primaries

Primary date	Last day for filing declarations or petitions of candidacy (Dates may vary due to statutory changes.)	State
Feb. 24	Dec. 26	New Hampshire.
Mar. 2	Jan. 2	Massachusetts.
Mar. 2	Feb. 10	Vermont.
Mar. 9	Feb. 10	Florida.
Mar. 16	Dec. 29	Illinois.
Mar. 23	Feb. 3	North Carolina.
Apr. 6	Feb. 19	New York. ¹
Apr. 6	Mar. 2	Wisconsin.
Apr. 27	Feb. 17	Pennsylvania.
May 1	Feb. 2	Texas. ¹
May 4	Mar. 1	Alabama. ¹
May 4	Mar. 5	District of Columbia.
May 4	Feb. 10	Georgia.
May 4	Mar. 15	Indiana.
May 6	Mar. 4	Tennessee.
May 11	Mar. 12	Nebraska.
May 11	Feb. 7	West Virginia.
May 18	Mar. 26	Maryland.
May 18	Mar. 19	Michigan.
May 25	Apr. 25	Idaho.
May 25	Apr. 10	Kentucky.
May 25	Apr. 25	Nevada.
May 25	Mar. 16	Oregon.
May 25	Apr. 6	Arkansas.
June 1	Apr. 1	Mississippi. ¹
June 1	Mar. 23	Montana.
June 1	Apr. 16	South Dakota. ¹
June 1	Feb. 28	Rhode Island.
June 8	Mar. 26	California.
June 8	Apr. 29	New Jersey.
June 8	Mar. 25	Ohio. ¹

¹ This is a delegate selection only primary where the names of presidential candidates do not appear separately on the ballot and where voters may vote only for National Convention delegate candidates.

II. Congressional Primaries

Primary date	Last day for filing declarations or petitions of candidacy (Dates may vary due to statutory changes.)	State
Mar. 16	Dec. 15, 1975	Illinois.
Apr. 27	Feb. 17	Pennsylvania.
May 1	Feb. 2	Texas.
May 4	Mar. 19	Alabama.
May 4	Mar. 5	District of Columbia.
May 4	Mar. 15	Indiana.
May 11	Mar. 12	Nebraska.
May 11	Feb. 7	West Virginia.
May 18	Mar. 8	Maryland.
May 25	Apr. 6	Arkansas.
May 25	Mar. 31	Kentucky.
May 25	Mar. 16	Oregon.
June 1*		Alabama.
June 1	Apr. 2	Mississippi.
June 1	Apr. 22	Montana.
June 1	Mar. 2	New Mexico.
June 1	Apr. 16	South Dakota.
June 5*		Texas.
June 8	Mar. 12	California.
June 8	Apr. 2	Iowa.
June 8*		Arkansas.
June 8	Apr. 1	Maine.
June 8	Apr. 29	New Jersey.
June 8	Mar. 25	Ohio.
June 8	(1)	South Carolina.
June 8	Apr. 9	Virginia.
June 22*		Mississippi.
June 22*		South Carolina.
Aug. 3	June 7	Idaho.
Aug. 3	June 20	Kansas.
Aug. 3	June 15	Michigan.
Aug. 3	Apr. 27	Missouri.
Aug. 5	June 3	Tennessee.
Aug. 10	June 9	Georgia.
Aug. 14	June 18	Louisiana.
Aug. 17	May 28	North Carolina.
Aug. 24	June 1	Alaska.
Aug. 24	July 7	Oklahoma.
Aug. 31*		Georgia.
Sept. 7	July 9	Arizona.
Sept. 7	Aug. 6	Connecticut.
Sept. 7	July 20	Florida.
Sept. 7	July 23	North Dakota.

See footnotes at end of table.

II. Congressional Primaries—Continued

Primary date	Last day for filing declarations or petitions of candidacy (Dates may vary due to statutory changes.)	State
Sept. 11	Sept. 1	Delaware.
Sept. 14	July 30	Colorado.
Sept. 14	July 6	Massachusetts
Sept. 14	July 20	Minnesota.
Sept. 14	July 21	Nevada.
Sept. 14	July 16	New Hampshire.
Sept. 14	July 29	New York.
Sept. 14*		North Carolina.
Sept. 14	June 10	Rhode Island.
Sept. 14	May 10	Utah.
Sept. 14	Aug. 4	Vermont.
Sept. 14	July 13	Wisconsin.
Sept. 14	July 30	Wyoming.
Sept. 21	July 30	Washington.
Sept. 21*		Oklahoma.
Sept. 25*		Louisiana.
Sept. 28*		Florida.
Oct. 2	Aug. 18	Hawaii.

* Runoff date.

¹ Filing deadline is 2 weeks after State conventions close; convention closing dates are unknown at the time of publication.

III. Presidential and Congressional Primaries by States

State	Presidential Preference Primary	Congressional Primary	
		Primary date	Runoff date
Alabama	May 4	May 4	May 25
Alaska		Aug. 24	
Arizona		Sept. 7	
Arkansas	May 25	May 25	June 8
California	June 8	June 8	
Colorado		Sept. 14	
Connecticut		Sept. 7	
Delaware		Sept. 11	
District of Columbia	May 4	May 4	
Florida	Mar. 9	Sept. 7	Sept. 28
Georgia	May 4	Aug. 10	Aug. 31
Hawaii		Oct. 2	
Idaho	May 25	Aug. 3	
Illinois	Mar. 16	Mar. 16	
Indiana	May 4	May 4	
Iowa		June 8	
Kansas		Aug. 3	
Kentucky	May 25	May 25	
Louisiana		Aug. 14	Sept. 25
Maine		June 8	
Maryland	May 18	May 18	
Massachusetts	Mar. 2	Sept. 14	
Michigan	May 18	Aug. 3	
Minnesota		Sept. 14	
Mississippi	June 1	June 1	June 22
Missouri		Aug. 3	
Montana	June 1	June 1	
Nebraska	May 11	May 11	
Nevada	May 25	Sept. 14	
New Hampshire	Feb. 24	Sept. 14	
New Jersey	June 8	June 8	
New Mexico		June 1	
New York	Apr. 6	Sept. 14	
North Carolina	Mar. 23	Aug. 17	Sept. 14
North Dakota		Sept. 7	
Ohio	June 8	June 8	
Oklahoma		Aug. 24	Sept. 21
Oregon	May 25	May 25	
Pennsylvania	Apr. 27	Apr. 27	
Rhode Island	June 1	Sept. 14	
South Carolina		June 8	June 22
South Dakota	June 1	June 1	
Tennessee	May 6	Aug. 5	
Texas	May 1	May 1	June 5
Utah		Sept. 14	
Vermont	Mar. 2	Sept. 14	
Virginia		June 8	
Washington		Sept. 21	
West Virginia	May 11	May 11	
Wisconsin	Apr. 6	Sept. 14	
Wyoming		Sept. 14	

List of Sources Used in Compiling Information on State Laws in Part V Relating to State Laws Regarding the Selection of Delegates to National Conventions and in Part VI Relating to State Laws Concerning the Nomination and Election of Presidential Electors

All of the State Election Codes listed below including those of the District of Columbia, Puerto Rico, and the Virgin Islands have been examined. Where available, individual 1975 session laws of the States have also been examined.

Alabama—Code of Alabama, Recompiled 1958; 1973 Cumulative Pocket Part.

Alaska—Alaska Statutes 1973. 1974 Cumulative Supplement.

Arizona—Arizona Revised Statutes Annotated; 1974 Supplementary Pamphlet.

Arkansas—Arkansas Statutes Annotated 1947; 1973 Cumulative Pocket Supplement.

California—Annotated California Codes (Elections Code); 1975 Cumulative Pocket Part.

Colorado—Colorado Revised Statutes 1973.

Connecticut—Connecticut General Statutes Annotated 1958; 1975 Cumulative Annual Pocket Part.

Delaware—Delaware Code Annotated 1974; 1974 Supplement.

District of Columbia—District of Columbia Code 1973; Supplement II, 1975.

Florida—Florida Statutes Annotated; 1975–1976 Cumulative Annual Pocket Part.

Georgia—Code of Georgia; 1974 Cumulative Pocket Part.

Hawaii—Hawaii Revised Statutes 1968; 1974 Supplement.

Idaho—Idaho Code; 1975 Cumulative Pocket Supplement.

Illinois—Illinois Annotated Statutes; 1975–1976 Cumulative Annual Pocket Part.

Indiana—Burns Indiana Statutes Annotated; 1974 Cumulative Pocket Supplement.

Iowa—Iowa Code Annotated; 1975–1976 Cumulative Annual Pocket Part.

Kansas—Kansas Statutes Annotated; 1974 Cumulative Pocket Part Supplement.

Kentucky—Kentucky Revised Statutes; 1974 Cumulative Supplement.

Louisiana—Louisiana Revised Statutes; 1975 Cumulative Annual Pocket Part.

Maine—Maine Revised Statutes; 1974–1975 Cumulative Pocket Supplement.

Maryland—Annotated Code of Maryland; 1974 Cumulative Supplement.

Massachusetts—Massachusetts General Laws; 1975 Cumulative Annual Pocket Part.

Michigan—Michigan Compiled Laws Annotated; 1975–1976 Cumulative Supplement.

Minnesota—Minnesota Statutes Annotated; 1975–1976 Cumulative Annual Pocket Part.

Mississippi—Mississippi Code Annotated 1972; 1974 Cumulative Supplement.

Missouri—Vernon's Annotated Missouri Statutes; 1975 Cumulative Annual Pocket Part.

- Montana**—Revised Codes of Montana; 1974 Cumulative Pocket Supplement.
- Nebraska**—Revised Statutes of Nebraska, Reissue of 1974.
- New Hampshire**—New Hampshire Revised Statutes; 1973 Supplement.
- New Jersey**—New Jersey Statutes Annotated; 1975-1976 Cumulative Annual Pocket Part.
- New Mexico**—New Mexico Statutes; 1973 Supplement.
- New York**—McKinney's Consolidated Laws of New York (Election Law); 1974-1975 Cumulative Annual Pocket Part.
- North Carolina**—General Statutes of North Carolina; 1974 Cumulative Supplement.
- North Dakota**—North Dakota Century Code; 1973 Pocket Supplement and 1975 Interim Supplement.
- Ohio**—Page's Ohio Revised Code Annotated; 1974 Supplement.
- Oklahoma**—Oklahoma Statutes Annotated; 1974-1975 Cumulative Annual Pocket Part.
- Oregon**—Oregon Revised Statutes 1974.
- Pennsylvania**—Pennsylvania Statutes Annotated; 1975-1976 Cumulative Annual Pocket Part.
- Puerto Rico**—Laws of Puerto Rico; 1974 Cumulative Pocket Part.
- Rhode Island**—General Laws of Rhode Island; 1974 Pocket Supplement.
- South Carolina**—Code of Laws of South Carolina; 1974 Cumulative Supplement.
- South Dakota**—South Dakota Compiled Laws 1967; 1975 Pocket Supplement.
- Tennessee**—Tennessee Code Annotated; 1974 Cumulative Supplement.
- Texas**—Revised Civil Statutes Of The State Of Texas; 1974-1975 Cumulative Annual Pocket Part.
- Utah**—Utah Code Annotated; 1975 Cumulative Pocket Supplement.
- Vermont**—Vermont Statutes Annotated; 1975 Cumulative Pocket Supplement.
- Virginia**—Code of Virginia 1950; 1975 Cumulative Supplement.
- Virgin Islands**—Virgin Islands Code Annotated; 1974 Cumulative Pocket Supplement.
- Washington**—Revised Code of Washington; 1974 Pocket Part.
- West Virginia**—West Virginia Code; 1974 Cumulative Supplement.
- Wisconsin**—Wisconsin Statutes Annotated; 1975-1976 Cumulative Annual Pocket Part.
- Wyoming**—Wyoming Statutes; 1975 Cumulative Supplement.

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PART I. FEDERAL CONSTITUTIONAL PROVISIONS AND LAWS GOVERNING THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

A. United States Constitution

ARTICLE II—THE PRESIDENT

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

AMENDMENT XII—PRESIDENTIAL ELECTORS

The electors shall meet in their respective states and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority; then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing

the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

AMENDMENT XX—COMMENCEMENT OF THE TERMS OF THE PRESIDENT, VICE PRESIDENT, AND MEMBERS OF CONGRESS

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, and unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT XXII—LIMITATION ON PRESIDENTIAL TERMS

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

AMENDMENT XXIII—PRESIDENTIAL ELECTORS FOR DISTRICT OF COLUMBIA

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have the power to enforce this article by appropriate legislation.

AMENDMENT XXIV—BAN ON POLL TAX

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXV—SUCCESSION TO PRESIDENCY AND VICE PRESIDENCY: INABILITY OF PRESIDENT

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.